

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEX, INC.,

No. C-09-0491 MMC

Plaintiff,

ORDER OF DISMISSAL

v.

KIMCARTER.COM, LLC, et al.,

Defendants,


AND RELATED COUNTERCLAIMS AND
THIRD-PARTY CLAIMS

The parties having agreed, at the June 19, 2009 Settlement Conference, to a settlement of the above-titled action,

IT IS HEREBY ORDERED that all claims be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: June 22, 2009


MAXINE M. CHESNEY
United States District Judge